

AP3 Rec'd PCT/PTO 13 FEB 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1614

In re

Patent Application of

Michael Soeberdt

Application No. 10/550,267


Confirmation No.: 1396

Filed: September 20, 2005

Examiner: Not Assigned

"SUBSTITUTED PIPERIDINE AND  
PIPERAZINE DERIVATIVES AS  
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MODULATORS"

I, Nanci A. Musich, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

  
Signature  
FEBRUARY 9, 2006  
Date of Signature

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


This is in response to the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted, which was mailed December 29, 2005, and a copy of which is attached. Enclosed is a Declaration, Power of Attorney, Fee Calculation Sheet, and a check for \$130.00.

02/17/2006 HKAYPAGH 00000013 10550267

01 FC:1617

130.00 DP

Respectfully submitted,

  
Gregory J. Hartwig  
Reg. No. 46,761

File No. 041165-9093-00

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100 East Wisconsin Avenue  
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Milwaukee, Wisconsin 53202-4108  
414.271.6560

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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|   |   |                                    |
|---|---|------------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/550,267 | FIRST NAMED APPLICANT<br>Michael Soeberdt | ATTY. DOCKET NO.<br>041165-9093-00 |
|---|---|------------------------------------|

|   |                             |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO.<br>PCT/EP04/02907 |                             |
| I.A. FILING DATE<br>03/19/2004                  | PRIORITY DATE<br>03/20/2003 |

23409  
MICHAEL BEST & FRIEDRICH, LLP  
100 E WISCONSIN AVENUE  
MILWAUKEE, WI 53202

Michael, Best & Friedrich LLP  
RECEIVED

JAN 03 2006



DOCKETING  
MILWAUKEE, WI

CONFIRMATION NO. 1396

371 FORMALITIES LETTER



\*OC000000017746076\*

Date Mailed: 12/29/2005

Due! 2-28-2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/20/2005
- Copy of the International Search Report filed on 09/20/2005
- Preliminary Amendments filed on 09/20/2005
- Information Disclosure Statements filed on 09/20/2005
- U.S. Basic National Fees filed on 09/20/2005
- Priority Documents filed on 09/20/2005
- Specification filed on 09/20/2005
- Claims filed on 09/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

DOCKETED

Date:

1-3-2006 cal

Also on 6JH,SAJ's docket

**COPY**

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

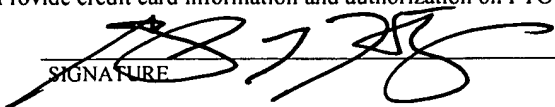
WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/550,267                  | PCT/EP04/02907                | 041165-9093-00   |

FORM PCT/DO/EO/905 (371 Formalities Notice)

|   |              |   |            |  |                     |
|---|--------------|---|------------|--|---------------------|
| U.S. APPLICATION NO. (if known)<br>10/550,267   |              | <b>FEE TRANSMITTAL<br/>(MISSING PARTS - UTILITY)</b>  |            | ATTORNEY'S DOCKET NUMBER<br>041165-9093-00 |                     |
| The following fees are submitted:   |              |   |            |  | <b>PTO Use Only</b> |
| <input type="checkbox"/> a) Basic national fee (application filed BEFORE 12/08/2004).....\$790.00   |              |   |            |  | \$ 0                |
| <input type="checkbox"/> b) Basic national fee (application filed AFTER 12/08/2004) .....\$300.00   |              |   |            |  | \$ 0                |
| <input type="checkbox"/> c) Examination fee (application filed AFTER 12/08/2004).....\$200.00   |              |   |            |  | \$ 0                |
| <input type="checkbox"/> d) Search fee (application filed AFTER 12/08/2004).....\$500.00  |              |   |            |  | \$ 0                |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |            |  |                     |
| Total sheets  | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number)   | RATE       |  |                     |
|   |              |   | x 250.00   | \$ 0                                       |                     |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       |  |                     |
| Total claims  | - 20 =       |   | x \$50.00  | \$   |                     |
| Independent claims  | - 3 =        |   | x \$200.00 | \$   |                     |
| <input checked="" type="checkbox"/> Surcharge of \$130.00 for late filing of the oath or declaration and/or late payment of the filing fee.   |              |   |            | \$ 130.00                                  |                     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |            | \$ 0                                       |                     |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |   |            | \$   |                     |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +  |              |   |            | \$ 0                                       |                     |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |            | \$ 130.00                                  |                     |
|   |              |   |            | <b>Amount to be refunded:</b>              | \$                  |
|   |              |   |            | <b>Amount to be charged:</b>               | \$                  |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$130.00 to cover the above fee is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 13-3080 in the amount of \$0 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-3080. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> |              |   |            |  |                     |
| CUSTOMER NO. 23409  |              | <br>SIGNATURE<br>_____<br>Gregory J. Hartwig<br>NAME<br>_____<br>46,761<br>REGISTRATION NUMBER<br>_____ |            |  |                     |